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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Arlene RAMSINGH *et al.*

Serial No.: 09/879,572

Filing Date: June 12, 2001

For: COXSACKIEVIRUS B4 EXPRESSION
VECTORS AND USES THEREOF

Examiner: Stacey Chen

Group Art Unit: 1648

Prior Atty Dkt: 41356-186746

New Atty Dkt: 29025.0001

New Customer No.

30827

PATENT TRADEMARK OFFICE

RESPONSE AND AMENDMENT UNDER 37 C.F.R. § 1.115

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This responds to a final Office Action mailed June 3, 2004, the time for responding to which has been extended 3 months with the accompanying Petition for Extension of Time and fee.

Applicants wish to bring to the Examiner attention that the both Correspondence Address and Attorney Docket Number for this case have changed, as indicated on the two Request forms accompanying this submission. The new Attorney docket number is shown in the caption above, and the new correspondence address appears at the end of this document below the attorney's signature.

In the pending Office Action, claims 1, 3, 4, 6-15, 17-18, 20-28 and 30-36 were examined on the merits. Claims 2, 19 and 54-72 remain pending but are withdrawn from consideration as drawn to non-elected inventions. Of these, at least claims 54-72 are expected to be rejoined upon indication of patentable subject matter in the pending claims.

The rejection of claims 1, 3, 4, 18 and 20-26 under 35 U.S.C. § 102(b) as anticipated by Caggana *et al.* (*J. Virol.* 1993, 67:4797-4803) ("Caggana") was withdrawn in view of Applicant's amendment dated 27-FEB-04.

The rejection of claims 1, 3-6, 13-15, 17, 18 20-23 and 28 under 35 U.S.C. § 103(a) as obvious over Tracy *et al.*, WO 98/39426 (“Tracy”) was withdrawn in view of Applicant’s arguments and the second declaration of Arlene I. Ramsingh filed 27-FEB-04.

Claims 1, 3, 4, 6-15, 17-18, 20-28 and 30-36 have been newly rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The claims allegedly include subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This rejection was based on the introduction into claim 1 and all depending claims recite the new limitation, “non-coxsackievirus”, which the Office maintains is not supported by the specification.

Careful consideration has been given to the grounds for rejection and the following amendments and remarks are offered in response. These amendments **do not** raise any new issues of patentability and simplify matters for appeal. The amendments moot the only ground for rejection. Reconsideration of the pending rejections is respectfully requested, as is entry of this paper.

The Listing of Claims begins at page 3 of this document and runs through page 7.